

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KIM FRACHEY, NANCY MALONEY,)	
SOCORRO NIETO, CHAD FLOLO,)	
NATALIE FLOLO, CHARLES)	
AMANING, and FOX VALLEY)	
FAMILIES AGAINST PLANNED)	
PARENTHOOD, an Unincorporated)	
Association,)	Case No. 08 C 1148
)	
Plaintiffs,)	Judge Norgle
)	
v.)	Jury Demanded
)	
PLANNED PARENTHOOD/CHICAGO)	
AREA, an Illinois Not-for-Profit)	
Corporation, STEVEN TROMBLEY,)	
GEMINI OFFICE DEVELOPMENT, LLC,)	
An Illinois Limited Liability Corporation,)	
21ST CENTURY OFFICE)	
DEVELOPMENT, LLC, an Illinois Limited)	
Liability Corporation, CITY OF AURORA,)	
A Home-Rule Municipal Corporation,)	
ZONING BOARD OF APPEALS FOR)	
THE CITY OF AURORA, ED SIEBEN,)	
THOMAS WEISNER,)	
HERMAN BENEKE,)	
PLANNING & DEVELOPMENT)	
COMMITTEE OF THE CITY OF)	
AURORA, PLANNING COMMISSION)	
OF THE CITY OF AURORA, and)	
BUILDING CODE BOARD OF APPEALS)	
OF AURORA,)	
)	
Defendants.)	

RENEWED MOTION FOR LEAVE TO FILE PLAINTIFFS' RESPONSE TO THE
CITY OF AURORA'S MOTION TO DISMISS AND MOTION FOR STAY OF
CONSIDERATION OF FEDERAL CLAIMS AND REMAND OF STATE CLAIMS

Plaintiffs, KIM FRACHEY, NANCY MALONEY, SOCORRO NIETO, CHAD
FLOLO, NATALIE FLOLO, CHARLES AMANING, and FOX VALLEY FAMILIES

AGAINST PLANNED PARENTHOOD, an Unincorporated Association, by their undersigned counsel, hereby respectfully renew their motion that the Court grant them leave to file their Response to City of Aurora's Motion to Dismiss and Motion Stay of Consideration of Federal Claims and Remand of State Claims *instantly*, in support of which plaintiffs state:

Counsel only late last week encountered complicated new case law, not cited by the City in its motion, that they reasonably needed more time to unravel in order to address the matters at bar adequately. They respectfully submit that the tendered motion sufficiently elucidates the matters at bar – that the matter ought to be heard in state court, namely, the Circuit Court for the Eighteenth Judicial Circuit – precisely where plaintiffs filed it. They respectfully submit and the tendered motion elucidates the federal issues which the case presents too, along with sufficient legal grounds for stay of proceedings with respect to those federal issues, in the event that the state statutory rights are adjudicated in a manner that fails to comport with minimal federal constitutional requisites.

WHEREFORE, defendants pray that the Court grant leave to file their Response to City of Aurora's Motion to Dismiss and Motion Stay of Consideration of Federal Claims and Remand of State Claims *instantly*; and that they have all other relief to which they may be entitled.

/s/Thomas Brejcha
/s/Peter Breen
Attorneys for plaintiffs

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